

**The Department of Community Development**  
**City Hall, Lynchburg, VA 24504** **434-455-3900**

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**To:** Planning Commission  
**From:** Planning Division  
**Date:** August 9, 2006  
**Re:** **Zoning Ordinance Amendments: Section 35.1-34, Limited Business District, B-1, Section 35.1-35, Local Neighborhood Business District, B-2, Section 35.1-36, Community Business District, B-3, and Section 35.1-38, General Business District, B-5**

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**I. PETITIONER**

City of Lynchburg, Planning Commission, 900 Church Street, Lynchburg, VA 24504  
**Representative(s):** Tom Martin, AICP, City Planner, 900 Church Street, Lynchburg, VA 24504

**II. LOCATION**

The proposed amendments would effect all properties zoned B-1, Limited Business District, B-2, Local Neighborhood Business District, B-3, Community Business District and B-5, General Business District.

**Property Owner:** N/A

**III. PURPOSE**

The purpose of the amendments are to require conditional use permits for residential uses in districts zoned B-1, Limited Business District, B-2, Local Neighborhood Business District, B-3, Community Business District and B-5, General Business District.

**IV. SUMMARY**

- The proposed amendments would require conditional use permits for residential uses in B-1, B-2, B-3 and B-5 Districts.
- Residential uses have been permitted in the City's Commercial Districts since 1931.
- The *City's Comprehensive Plan 2002-2020* recommends reviewing and updating the list of uses permitted under the City's Zoning Ordinance to reflect changes in the type, scale and use characteristics of emerging industries. (pg 9.6)

**The Planning Division recommends Alternative 1.**

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**V. FINDINGS OF FACT**

**Comprehensive Plan.** The Lynchburg *Comprehensive Plan 2002-2020* was adopted in September 2002. The plan is intended to guide the City's development until the year 2020 with a five (5) year update scheduled to begin in 2007. An integral part of the plan is the City's Future Land Use Map (FLUM) which indicates the way the City desires land use patterns to occur. The FLUM indicates sixteen (16) different land use categories, descriptions of which are listed in the text of the plan on pages 5.2 – 5.6. Of the sixteen (16) land use categories, four (4) are devoted to office or retail uses. Descriptions of these four (4) categories are as follows:

**Office** – Office uses are shown in dark pink and intended for small-scale office buildings with building floorplates not exceeding 20,000 square feet and building heights not

exceeding four stories. Such offices provide adequate space for professional and service uses, such as medical, legal, insurance, real estate, engineering, architectural, software development, and information management uses. Office uses are generally located in lower density areas of the City, often adjacent to low density residential areas, and therefore are intended to be more compatible in scale with single-family homes than the urban office uses of downtown or the office parks of employment areas.

**Neighborhood Commercial** - Colored red-orange on the Future Land Use Map, these retail, personal service and restaurant areas are sized and designed to serve their immediate neighborhood. Patrons can walk, bike or take a short drive to reach them. They are comprised of individual businesses, clusters of businesses, or small shopping centers. Neighborhood shopping centers meet the day-to-day needs of a limited residential trade area of 2,500 to 10,000 people and average about 50,000 square feet of space. A grocery store or drug store is often the anchor for a neighborhood shopping center.

**Community Commercial** – Community Commercial areas contain retail, personal service, entertainment and restaurant uses that draw customers from at least several neighborhoods up to the entire City. Colored red on the Future Land Use Map, Community Commercial areas contain clusters of businesses, often at major intersections, and shopping centers. Most community shopping centers range from 100,000 to 200,000 square feet and serve 40,000 to 70,000 people. Office, research and development, and technology development uses may be permitted in Community Commercial areas as long as traffic and other impacts to the community are mitigated. In particular, conversion of existing vacant retail space to these uses may be appropriate in areas where there is sufficient retail to serve the community and space for employment uses is needed.

**Regional Commercial** – Regional Commercial areas are colored red-brown. They include retail, restaurant, entertainment and hotel uses that draw customers from the entire region, as well as the traveling public. Examples include Ward's Crossing and River Ridge Mall. They contain large shopping centers or retail areas and offer either full-line department stores or major "big box" stores as anchors. Regional shopping centers would be at least as large as Community Commercial ones, 100,000 to 200,000 square feet, possibly larger, if parcels of sufficient size can be found or assembled. They are intended to serve 70,000 to 100,000 people.

It is important to note that of the four (4) office or retail oriented land uses, none of the descriptions mention the inclusion of residential uses. The City's B-1, B-2, B-3 & B-5 have allowed residential uses as a use permitted by right since 1931. This is likely due to the "pyramidal" structure of the City's current Zoning Ordinance in that more intense Zoning Districts include the uses permitted in the lesser districts. This is not an uncommon approach in the text of Zoning Ordinances and generally serves in "softening" the transition of a lesser use to a more intense use. However, this is not always the case and in some instances when lesser uses are allowed in the more intense district an inappropriate transition could occur. For example the City's B-5, General Business District allows townhouses as a permitted use while also allowing such uses as car dealerships, big box retail, and storage warehouses that generate more intense nuisances and traffic. Without careful planning and design the different uses may not be compatible.

As recommended in the *Comprehensive Plan* the City should proceed with an in-depth rewrite of the entire Zoning Ordinance. The rewrite should strongly consider creating a “use” based ordinance. This type of ordinance would consider the compatibility of uses instead of their separation. The City should also revise its Zoning Map to obtain more concurrency between the Zoning and Future Land Use Maps.

1. **Zoning.** The current Zoning Ordinance was adopted in 1978. Residential uses are permitted in the B-1, Limited Business and B-2, Local Neighborhood Business Districts as allowed by right in the adjacent residential district of highest density. B-3, Community Business Districts allow for single-family, two-family, townhomes and apartments as uses permitted by right. The B-5, General Business District allows all residential districts except for one and two family dwellings. One and two family dwellings are permitted by conditional use permit in the B-5, General Business District. Residential uses of all types were permitted in the City’s commercial zones from 1931 until 1978 with the adoption of the current Zoning Ordinance.
2. **Board of Zoning Appeals (BZA).** N/A
3. **Surrounding Area.** N/A
4. **Site Description.** N/A
5. **Proposed Use of Property.** N/A
6. **Traffic and Parking.** N/A
7. **Storm Water Management.** N/A
8. **Emergency Services.** N/A
9. **Impact.** *Alternative 1* would require a Conditional use permit for all residential uses in districts zoned B-1, Limited Business District, B-2, Local Neighborhood Business District, B-3, Community Business District and B-5, General Business District. *Alternative 2* would only require a Conditional use permit for residential uses when they are in densities greater than 4.35 dwellings per acre and are within two hundred (200) feet of a single-family district.

Revising the Zoning Ordinance to require a Conditional use permit has the potential to create financing problems for residential uses currently existing in commercial zones as a permitted use. For example there are currently numerous single-family dwellings located on properties currently zoned B-5, General Business Districts. Since these structures are only permitted by a conditional use permit, owners or perspective buyers often are unable or have difficulty obtaining financing from a lending institution. This is due to the fact that while banks may continue to service a loan, they most often sell the loan to other lending institutions. Structures that are not allowed as a use permitted by right are not seen as a “clean” loan and the loans are difficult to sell. This results in banks refusing to finance or charging much higher interest rates to finance these types of properties.

While the Planning Division understands the reasons that the Planning Commission and City Council have requested that the revisions be considered, it cautions that negative effects may occur, such as difficulty in financing and harsher transitions between land uses. *Alternative 1* would give the Planning Commission and City Council more oversight into the overall development of the City and would be a good solution until a complete rewrite of the Zoning Ordinance can be accomplished. *The Planning Commission and City Council may also wish to consider adding language to the proposed revisions that states residential uses existing prior to the change are uses allowed by right.*

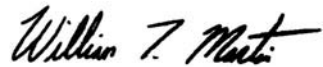
10. **Technical Review Committee.** N/A

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**VI. PLANNING DIVISION RECOMMENDED MOTION(s):**

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of amending Section 35.1-34, Limited Business District, B-1, Section 35.1-35, Local Neighborhood Business District, B-2, Section 35.1-36, Community Business District, B-3, and Section 35.1-38, General Business District, B-5 as drafted in "Alternative 1" The Planning Commission further recommends that the City Council devote the necessary resources to revising the City's Zoning Ordinance and Zoning Map as indicated in the City's *Comprehensive Plan*.

This matter is respectfully offered for your consideration.

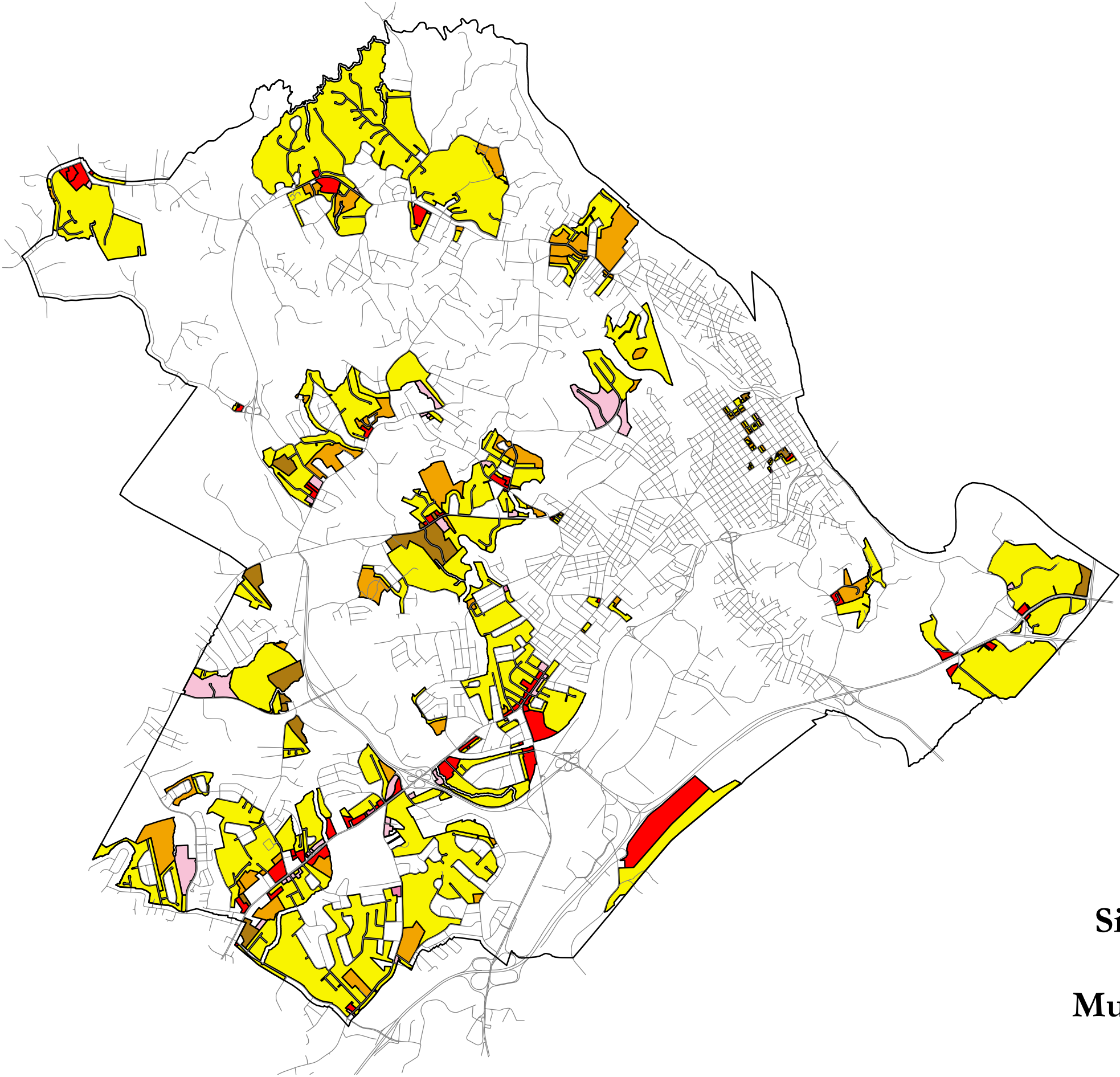


William T. Martin, AICP  
City Planner







pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Mr. J. Lee Newland, Director of Engineering  
Capt. Michael L. Thomas, Fire Marshal  
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau  
Capt. Todd Swisher, Lynchburg Police Department North Division  
Capt. J.P. Stokes, Lynchburg Police Department East Division  
Capt. Al Thomas, Lynchburg Police Department South Division  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Keith Wright, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mrs. Erin B. Hawkins, Environmental Planner

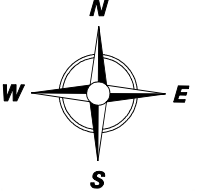
**VII. ATTACHMENTS**

1. **Zoning Ordinance Amendment, Alternative 1 & Alternative 2.**
2. **Single Family Adjacent to Multi Family or Commercial Map.**
3. **1931, 1949 and 1959 Zoning Ordinance Sections.**



Legend

	Single Family Districts Adjacent to Commercial
	Multi Family Adjacent to Single Family
	B1
	B2
	B3
	B5



Single-Family Residential Districts  
*Adjacent to*  
Multi-Family or Commercial Districts